

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 21-10267
Marilyn H. Eyles Judge: Jerrold N. Poslusny Jr.

Debtor(s)

Chapter 13 Plan and Motions

☒ Original ☐ Modified/Notice Required Date: 02/11/2021
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /s/ SW Initial Debtor: /s/MHE Initial Co-Debtor: /s/

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 559.00 per month to the Chapter 13 Trustee, starting on February 1, 2021 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Proceeds from sale of debtors home \$100,782.12 available now

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Debtor using proceeds from sale of property to help fund plan

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 0.00
DOMESTIC SUPPORT OBLIGATION		Notice Purposes Only
Internal Revenue Service	Taxes	Notice Only
State of New Jersey	Taxes	Notice Only

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☐ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Westgate Resorts	7700 Westgate Blvd Kissimmee, FL	\$3,900.00	\$2,703.68

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Debtor to maintain monthly car payments of \$260.00 to Well Fargo Dealer services.

Debtor to pay mortgage to NewRez LLC outside the trustee plan

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal*, and *valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 02/11/2021

/s/ Marilyn H Eyles
Debtor

Date: _____

Joint Debtor

Date: _____

/s/ Seymour Wasserstrum
Attorney for Debtor(s)

In re:
Marilyn H Eyles
Debtor

Case No. 21-10267-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin

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Date Rcvd: Feb 16, 2021

Form ID: pdf901

Total Noticed: 43

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 18, 2021:

Recip ID	Recipient Name and Address
db	+ Marilyn H Eyles, 676 Clayton Rd, Williamstown, NJ 08094-3529
519072734	American Express, P.O. Box 1270, Newark, NJ 07101-1270
519072732	+ American Express, P.O.Box 981537, El Paso, TX 79998-1537
519072737	American Express Business Management, PO BOX 1270, Newark, NJ 07101-1270
519076876	+ American Express National Bank, AENB, c/o Zwicker and Associates, P.C., Attorneys/Agents for Creditor, P.O. Box 9043, Andover, MA 01810-0943
519072738	+ Andrew I Tealer, Selip & Stylianou LLP, 10 Forest Ave, PO Box 914, Paramus, NJ 07653-0914
519072739	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court; Bank Of America, Po Box 982238, El Paso, TX 79998
519072740	Bank Of America, PO Box 15796, Wilmington, DE 19886-5716
519111525	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
519072741	Barclays Bank Delaware/Frontier Airlines, PO Box 8803, Wilmington, DE 19899-8803
519072742	+ Best Buy/CBNA, 5800 South Corporate Place, Sioux Falls, SD 57108-5027
519072743	+ Capital Managenet Services Lp, 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
519072744	+ Capital One /Walmart, PO BOX 4069, Carol Stream, IL 60197-4069
519072745	+ Citi, PO BOX 6004, Sioux Falls, SD 57117-6004
519072746	+ Citi Card/Citi Bank, Po Box 6077, Sioux Falls, SD 57117-6077
519072747	+ Citi Cards, PO BOX 790345, Saint Louis, MO 63179-0345
519072748	+ Citicards cbna, 5800 South Corporate Pl, Sioux Falls, SD 57108-5027
519072749	+ Dept of Treasury-Division of Taxation, PO Box 245, Trenton, NJ 08695-0245
519072750	Elan Card Member Service, PO Box 790408, St Louis, MO 63179-0408
519072751	+ Elanco Financial Services, PO Box 108, St. Louis, MO 63166-0108
519106506	+ Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
519072754	+ National Enterprise Systems, 2479 Edison Blvd, Unit A, Twinsburg, OH 44087-2476
519072755	Northstar Location Services, 4285 Genesee Street, Attn: Financial Services Department, Cheektowaga, NY 14225-1943
519072756	Office Of Attorney General, 25 Market Street, PO Box 112, Richard J Hughes Justice Complex, Trenton, NJ 08625-0112
519072762	+ Radius Global Solutions, 500 North Franklin Turnpike, Ste 200, Ramsey, NJ 07446-1160
519072766	TD Bank, PO Box 1440, Greenville, SC 29602
519072765	+ TD Bank, 200 Carolina Point Parkway, Greenville, SC 29607-5766
519072767	TD Bank, NA, PO BOX 100290, Columbia, SC 29202-3290
519072768	+ The Hartford Financial Services, PO Box 249, Itasca, IL 60143-0249
519072769	+ The Home Depot/CBNA, 5800 South Corporate Place, Sioux Falls, SD 57108-5027
519100490	U.S. Bank NA dba Elan Financial Services, Bankruptcy Department, PO Box 108, Saint Louis MO 63166-0108
519113367	+ Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh, nc 27605-1000
519072770	+ Wells Fargo Dealer Services, Po Box 10709, Raleigh, NC 27605-0709

TOTAL: 33

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Feb 16 2021 22:09:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Feb 16 2021 22:09:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

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519072742	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:23	Best Buy/CBNA, 5800 South Corporate Place, Sioux Falls, SD 57108-5027
519072745	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:24	Citi, PO BOX 6004, Sioux Falls, SD 57117-6004
519072746	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:24	Citi Card/Citi Bank, Po Box 6077, Sioux Falls, SD 57117-6077
519072747	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:26	Citi Cards, PO BOX 790345, Saint Louis, MO 63179-0345
519072748	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:24	Citicards cbna, 5800 South Corporate Pl, Sioux Falls, SD 57108-5027
519072752	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 16 2021 22:07:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
519072753	Email/PDF: gecsed@recoverycorp.com	Feb 16 2021 23:04:53	Lowes Business ACCT/SYNCB, PO BOX 530970, Atlanta, GA 30353-0970
519072757	Email/Text: Bankruptcy.Notices@pnc.com	Feb 16 2021 22:07:00	PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
519072758	Email/Text: Bankruptcy.Notices@pnc.com	Feb 16 2021 22:07:00	PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222
519072761	+ Email/Text: Bankruptcy.Notices@pnc.com	Feb 16 2021 22:07:00	PNC Bank National Association, PO BOX 5570, Cleveland, OH 44101-0570
519072763	+ Email/PDF: clerical@simmassociates.com	Feb 16 2021 23:11:36	Simm Accociates Inc, 800 Pencader Dr, Newark, DE 19702-3354
519072764	+ Email/PDF: gecsed@recoverycorp.com	Feb 16 2021 23:11:01	Syncb/Sams Club Dual Card, Po Box 965005, Orlando, FL 32896-5005
519074198	+ Email/PDF: gecsed@recoverycorp.com	Feb 16 2021 23:11:01	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
519072769	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 16 2021 23:06:24	The Home Depot/CBNA, 5800 South Corporate Place, Sioux Falls, SD 57108-5027

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
519072733	*+	American Express, PO Box 981537, El Paso, TX 79998-1537
519072735	*	American Express, PO Box 1270, Newark, NJ 07101-1270
519072736	*+	American Express, PO Box 1270, Newark, NJ 07101-1270
519072759	*P++	PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court., PNC Bank, 2730 Liberty Ave, Pittsburgh, PA 15222
519072760	*P++	PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court., PNC Bank, 2730 Liberty Ave, Pittsburgh, PA 15222-4704

TOTAL: 0 Undeliverable, 5 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains

District/off: 0312-1

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the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 18, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 12, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Seymour Wasserstrum	on behalf of Debtor Marilyn H Eyles mylawyer7@aol.com ecf@seymourlaw.net;r47769@notify.bestcase.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4